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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3996 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOHANLAL KALIDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

MS KJ BRAHMBHATT for Petitioners

MS HANSA PUNANI ASSTT GOVT PLEADER for Respondent No. 1, 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 24/08/2000

ORAL JUDGEMENT

Heard Ms.K.J. Brambhatt, learned advocate appearing on behalf of the petitioners and learned AGP Ms.Punani appearing on behalf of the respondent authorities.

2. The petitioners have challenged the order passed by the competent authority under the provisions of Urban Land (Ceiling & Regulation) Act, 1976. The authorities have not taken possession of the land in question from the petitioners, which fact is not in dispute.

3. In pursuance to the letter dated 4th July, 2000 addressed to the Government Pleader by the Competent Authority, Surat wherein, it is specifically mentioned that notice under Section 10(5) has been served to the petitioners on 9th April, 1997 but because the said Act has been repealed on 30th March, 1999, possession of the land in question has not been taken by the Government. Therefore, the fact of possession of the land in question is not disputed by the respondent and the possession of land in question is with the petitioners.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The letter dated 4th July, 2000 of the competent authority is JJJJJJJJJJJJJ

6. The petition is accordingly disposed of as having abated. Rule is dicharged. There shall be no order as to costs.

Date : 24-8-2000 [H.K.Rathod, J.]
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